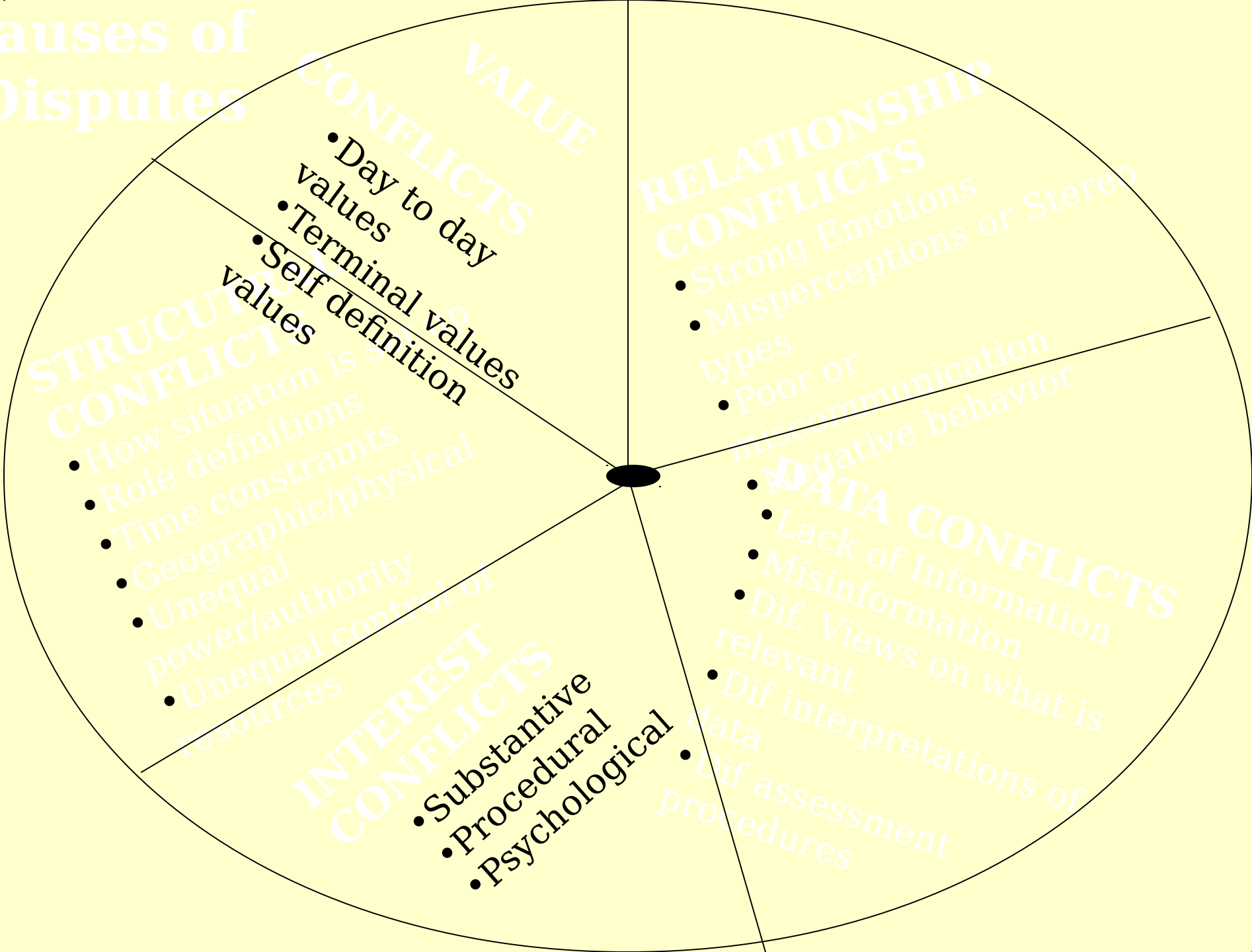
US Army Corps
of Engineers

BUSINESS EGGS NEGOTIATION


Causes of Disputes
VALUE CONFLICTS
•Day to day values
•Terminal values
•Self definition values
RELATIONSHIP CONFLICTS
•Strong Emotions
•Misperceptions or Stereo types
•Poor or miscommunication
•Negative behavior
STRUCUTRAL CONFLICTS
•How situation is shap
•Role definitions
•Time constraints
•Geographic/physical
•Unequal power/authority
•Unequal control of resources
DATA CONFLICTS
•Lack of Information
•Misinformation
•Dif. Views on what is relevant
•Dif interpretations of data
•Dif assessment procedures
INTEREST CONFLICTS
•Substantive
•Procedural
•Psychological

US Army Corps of Engineers

DE-BRIEFING: BUSINESS EGGS

- The biggest barrier to a successful negotiation in the Business Eggs Case is the perception that this is a “zero-sum game,” meaning that for one side to gain, the other side must give up an equivalent amount.

US Army Corps of Engineers

BUSINESS EGGS - Continued

- Additional levels of complication include:
  - **Reasons to mistrust the other person, e.g. lawsuit, past history**
  - **Time pressure**
  - **Anger that international crime figures could benefit**
- If people believe it is a zero-sum game, they engage in adversarial behavior that guarantees that it will be a zero-sum game.

US Army Corps of Engineers

POSITIONAL BARGAINING

- The sides open the negotiations by taking fixed positions.
- Charges and countercharges about the other parties' behavior or proposals
- The parties enter into a series of reciprocal concessions until a compromise is reached or the negotiations break off.

US Army Corps
of Engineers

POSITIONAL BARGAINING

- The absolute best outcome that positional bargaining can produce is a "compromise"
- There's no potential for all parties to be fully satisfied with the outcome.
- The adversarial posturing and unsatisfactory nature of the compromise may destroy the working relationship.

US Army Corps
of Engineers

The alternative is to focus on interests…

INTERESTS: ***The fundamental needs or conditions which people or groups must meet for continued survival, success or fulfillment***

US Army Corps
of Engineers

…instead of positions

POSITIONS: *The positions people take about how they will achieve their interests.*

US Army Corps of Engineers

FOCUS ON INTERESTS

- Even when positions appear mutually exclusive, parties' fundamental interests may be met in a number of ways.
- When parties get emotionally wedded to a particular position, the position they adopt may exclude a mutually acceptable outcome -- and sometimes is not even in their own interest!

US Army Corps
of Engineers

INTEREST- BASED PROCESS

- This approach is entirely consistent with the Corps Six-Step Planning Process
- Just as the “zero-sum” assumption is a self-fulfilling prophecy, experience shows that the belief that there is a solution that meets everybody's interests can also be a self-fulfilling prophecy.

US Army Corps of Engineers

STEPS IN AN INTEREST- BASED PROCESS

1. Focus on meeting everybody's interests, not necessarily their positions.

2. Get everybody to agree on the principles

3. Get everybody involved in generating alternatives

Continued

US Army Corps of Engineers

STEPS IN AN INTEREST-BASED PROCESS - Continued

4. Separate the solution generating process from the evaluation process

5. Reach an agreement on which solutions do the best job of satisfying the principles

US Army Corps
of Engineers

IDENTIFYING INTERESTS

- The key is listening closely to what people are really telling us
- Most of the time we are just listening to get our arguments ready